

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

BILLY BUNCH, )  
Plaintiff, ) Case No. 08-CV-655-TCK-PJC  
vs. )  
NCO FINANCIAL SYSTEMS, INC., )  
Defendant. )  
)  
)  
)  
)  
)  
)  
**COMPLAINT**  
**JURY TRIAL REQUESTED**

## **COMPLAINT**

## I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy ancillary to Defendant's collection efforts.

## **II. JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

### III. PARTIES

3. Plaintiff, Billy Bunch, is a natural person residing in Tulsa County, and is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).
4. At all relevant times herein, Defendant, NCO Financial Systems, Inc., (“Defendant”) was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a “debt,” as defined by 15 U.S.C. §1692a(5). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

#### **IV. FACTUAL ALLEGATIONS**

5. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant's conduct violated the FDCPA in multiple ways, including but not limited to:

- a) In connection with collection of a debt, using obscene or profane language directed at Plaintiff (§ 1692d(2));
- b) Without having received the prior consent of Plaintiff or the express permission of a court of competent jurisdiction, and without it being necessary to effect a post-judgment remedy, communicating with a third party other than in the manner prescribed by 15 USC § 1692b (§ 1692c(b));
- c) In connection with an attempt to collect an alleged debt from Plaintiff, contacting a third party for purposes other than obtaining location information, including asking Plaintiff's mother during a conversation about answers previously given by Plaintiff's wife, which was an inappropriate topic for conversation (§ 1692b & § 1692c(b)).

6. Defendant's aforementioned violations of the FDCPA also constitute an invasion of Plaintiff's right to privacy, causing injury to Plaintiff's feelings, mental anguish and distress.

#### **COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**

7. Plaintiff reincorporates by reference all of the preceding paragraphs.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

8. Plaintiff reincorporates by reference all of the preceding paragraphs.

9. Defendant's aforementioned violations of the FDCPA also constitute an intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable person. Plaintiff had a subjective expectation of privacy in the context of Defendant's actions that was objectively reasonable under the circumstances.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Respectfully submitted this 7<sup>th</sup> day of November, 2008

s/ John M. Hunt  
John M. Hunt OBA # 20736  
WEISBERG & MEYERS, LLC  
**Attorneys for Plaintiff**